
TITLE 326 AIR POLLUTION CONTROL BOARD

CONTINUATION OF FIRST NOTICE OF COMMENT PERIOD

LSA Document #07-352

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING VOLATILE ORGANIC COMPOUNDS IN ORGANIC SOLVENT DEGREASERS**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to [326 IAC 8-3](#) concerning organic solvent degreasers in Indiana. The First Notice of Comment Period, published on June 27, 2007 (DIN: [20070627-IR-326070352FNA](#)), requested comments on expanding the existing solvent requirements rule for Clark, Floyd, Lake, and Porter counties to the entire state. That comment period has ended; however, IDEM has identified additional alternatives for this rulemaking and at this time is requesting comments on the additional alternatives described in this notice. IDEM seeks comment on the alternatives described in this notice, the affected citations listed, and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: June 27, 2007, Indiana Register (DIN: [20070627-IR-326070352FNA](#)).

CITATIONS AFFECTED: [326 IAC 8-3](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#); [IC 13-17-3-12](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

A First Notice of Comment Period for the Organic Solvent Degreasers rule was published in the Indiana Register on June 27, 2007 (DIN: [20070627-IR-326070352FNA](#)). This Continuation of the First Notice of Comment Period addresses additional alternatives to be considered during this rulemaking.

In the April 30, 2004, Federal Register (69 FR 23858), the U.S. EPA designated 23 counties as nonattainment for the 8-hour ozone standard. Since that time, all monitoring locations in Indiana have met the 8-hour ozone standard and 21 of those counties have been redesignated to attainment. IDEM continues to work with U.S. EPA to have Lake County and Porter County redesignated to attainment. Additionally, since the Cincinnati, Ohio, metropolitan area has not yet attained the 8-hour standard, IDEM has prepared a state implementation plan (SIP) revision for Lawrenceburg Township in Dearborn County which addresses its contribution to Cincinnati's ozone nonattainment.

While all monitored portions of Indiana have attained the current 8-hour ozone standard, it is prudent for Indiana to consider implementing additional cost-effective measures to reduce emissions that contribute to the formation of ozone. The reasons for considering additional reductions include: the narrow margin between Indiana's current air quality and the new 8-hour ozone standard of 0.75 parts per million (ppm) that the U.S. EPA lowered on March 12, 2008, and the concerns expressed by other states that emissions from Indiana are contributing to their inability to attain the standard (the Clean Air Act provides a legal mechanism for those states to require Indiana to reduce Indiana's potential contribution to nonattainment in other states).

Indiana has been working with other states on a suite of measures to be considered by each of these states to reduce our mutual contribution to ozone formation in the upper Midwest and the eastern United States. These measures include regulation of volatile organic compounds (VOC) from: automotive refinishing; architectural and industrial maintenance coatings; consumer and commercial products; organic solvent degreasers (the subject of this notice); and stage I vapor recovery from gasoline dispensing facilities. In general, these proposed regulations would expand regulations that already exist in parts of Indiana to all counties statewide and other states to cover all similar emissions from each of the participating states. The potential benefits of this coordinated action include improved Indiana and regional air quality that may prevent future nonattainment designations if the U.S. EPA tightens the ozone standard, an improved margin of safety between current Indiana air quality and the current standard, and the reduced likelihood of the need to impose more costly emission reduction measures in the future.

Solvent cleaning operations are an integral part of many industries and involve the use of solvents or solvent vapor to remove water-insoluble contaminants such as grease, oils, waxes, carbon deposits, fluxes, and tars from metal, plastic, glass, and other surfaces. Solvent cleaning is usually performed prior to painting, plating, inspection, repair, assembly, heat treating, and machining. It is used in the manufacture of fabricated metal products, industrial and commercial machinery, computer equipment, electronic equipment, transportation equipment, furniture and fixtures, and various other products. With cold cleaning, one of four types of degreasing operations, the part is dipped into or sprayed with a solvent. Sources that commonly have cold cleaning

degreasers include auto body shops, auto repair shops, and industrial sources.

Emissions of VOCs occur as a result of evaporation from storage and handling of fresh and spent solvents: (1) evaporation as the solvent is splashed or sprayed, (2) evaporation from the cleaned surfaces, (3) evaporation from solvent-soaked rags or cleaning tools, and (4) fugitive emissions from flushing or spray systems. All solvent not recycled or sent to waste disposal is eventually emitted into the atmosphere.

In the First Notice of Comment Period, IDEM proposed to extend the existing material requirements for cold cleaning degreasers ([326 IAC 8-3-8](#)) currently effective in Clark, Floyd, Lake, and Porter counties to the rest of the state as part of a larger regional effort. With this Continuation of First Notice, IDEM has identified six additional alternatives for consideration in this rulemaking.

First, IDEM is considering an exemption for degreasers subject to 40 CFR 63, Subpart T, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning. The NESHAP for Halogenated Solvent Cleaning is more stringent than the requirements of [326 IAC 8-3](#). An exemption from [326 IAC 8-3-2](#) through [326 IAC 8-3-7](#) would be applicable to degreasers statewide, while an exemption from [326 IAC 8-3-8](#) would be applicable to any organic solvent degreasing operation not located in Clark, Floyd, Lake, or Porter county. Providing this exemption will clarify the regulatory requirements for sources subject to [326 IAC 8-3](#). IDEM seeks comments on this alternative and on any other appropriate NESHAPs that might be exempted from the rule if they provide more stringent control requirements.

Second, IDEM is considering exempting degreasers subject to 40 CFR 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities, incorporated by reference in [326 IAC 20-15-1](#), which are not located in Clark, Floyd, Lake, or Porter county, from the requirements of [326 IAC 8-3-8](#) (Material requirements for cold cleaning degreasers). IDEM seeks comments on this alternative.

Third, IDEM is considering exempting degreasers that use organic solvent liquids or vapors that contain less than one percent of VOCs by weight from the requirements of [326 IAC 8-3](#). Exempting degreasers which use solvents that contain less than one percent VOC by weight promotes a switch from solvents to water-based cleaners which will reduce overall VOC emissions and aid in pollution prevention efforts. IDEM seeks comments on this alternative.

Fourth, IDEM is proposing to eliminate grandfathering. IDEM is proposing to require all degreasers, unless specifically exempted, to be subject to the appropriate sections of [326 IAC 8-3](#). IDEM invites comments on this alternative.

Fifth, IDEM is proposing to repeal [326 IAC 8-3-5](#) and amend [326 IAC 8-3-2](#). The operation requirements of [326 IAC 8-3-5](#) relating to solvent volatility will no longer be necessary if the material requirements of [326 IAC 8-3-8](#) are expanded to the whole state. Therefore, IDEM is proposing to restructure [326 IAC 8-3-2](#) to move the remaining operation requirement for cold cleaning degreasers regarding solvent spray from [326 IAC 8-3-5](#) into the operation requirements of [326 IAC 8-3-2](#). Degreasers that were subject to [326 IAC 8-3-5](#) would be subject to [326 IAC 8-3-2](#) unless they qualify for one of the exemptions listed in [326 IAC 8-3-1](#). By amending [326 IAC 8-3-2](#) and repealing [326 IAC 8-3-5](#), IDEM is clarifying and streamlining the rule. IDEM seeks comments on this proposed alternative.

Sixth, IDEM is proposing to revise the existing rule, as needed, to provide clarity, remove obsolete language, and streamline the structure of the rule. IDEM invites comments on ways to clarify and simplify the rule language.

In combination with other efforts to reduce VOCs in Indiana and the other states, the revisions to the organic solvent degreasers rule under consideration in Indiana will contribute to a regional control of VOC that will assist many counties in reaching and maintaining attainment for the 8-hour ozone standard while balancing the regulatory requirements across the state. Additionally, the proposed amendments to the material requirements for cold cleaning degreasers would update the rule to reflect the actuality that solvents meeting the proposed material requirements are already currently in extensive use throughout the state. Upon completion of the rulemaking, this rule will be submitted to U.S. EPA for approval into the SIP.

Alternatives To Be Considered Within the Rulemaking

The First Notice of Comment Period, published on June 27, 2007 (DIN: [20070627-IR-326070352FNA](#)), included one alternative for which comments were received. This Continuation of First Notice of Comment Period adds six additional alternatives to be considered.

Alternative 2. Exempting degreasers subject to 40 CFR 63, Subpart T, Halogenated Solvent Cleaning NESHAP from requirements in [326 IAC 8-3](#).

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? Yes.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law. However, it will provide additional VOC reductions that will assist Indiana to comply with federal ozone requirements.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 3. Exempting degreasers subject to 40 CFR 63, Subpart GG, Aerospace Manufacturing and Rework Facilities NESHAP from the requirements of [326 IAC 8-3-8](#).

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? Yes.

- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law. However, it will provide additional VOC reductions that will assist Indiana to comply with federal ozone requirements.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 4. Exempting degreasers which use solvents that contain less than one percent VOC by weight from the requirements of [326 IAC 8-3](#).

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law. However, it will provide additional VOC reductions that will assist Indiana to comply with federal ozone requirements.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 5. Eliminate grandfathering of organic solvent degreasing operations in Indiana.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law. However, it will provide additional VOC reductions that will assist Indiana to comply with federal ozone requirements.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 6. Repeal of [326 IAC 8-3-5](#) and amendments to update [326 IAC 8-3-2](#).

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 7. Clarifying and streamlining the organic solvent degreasing operations rule.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

40 CFR 50 (National Primary and Secondary Ambient Air Quality Standards), 40 CFR 81 (Designation of Areas for Air Quality Planning Purposes), 40 CFR 63, Subpart T (National Emission Standards for Halogenated Solvent Cleaning), and 40 CFR 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities are applicable federal laws impacting this rulemaking. 40 CFR 50 (amended on July 18, 1997 (62 FR 38856)) contains the standards for criteria pollutants. Ozone is considered a criteria pollutant and air pollution controls reduce emissions of volatile organic compounds (VOC) to reduce ozone formation. 40 CFR 81 (amended on April 30, 2004 (69 FR 23858)) lists the areas of the United States, specific to each state, that U.S. EPA has determined are not attaining the standards (nonattainment) for criteria pollutants such as ozone. The state rule for organic solvent degreasing operations, [326 IAC 8-3](#), applies to sources that perform degreasing operations and persons who sell, offer for sale, use or manufacture solvent for use in cold cleaning degreasers.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 2. Exempting degreasers subject to 40 CFR 63, Subpart T, will ease the compliance burden for sources that were previously subject to both the state rule and the federal rule. Reducing compliance costs will result in a cost savings to regulated entities.

Potential Fiscal Impact of Alternative 3. Exempting degreasers subject to 40 CFR 63, Subpart GG, will ease the compliance burden for sources that were previously subject to both the state rule and the federal rule. Reducing compliance costs will result in a cost savings to regulated entities.

Potential Fiscal Impact of Alternative 4. Exempting degreasers which use solvents that contain less than one percent VOC by weight, will ease the compliance burden and promote pollution prevention. Reducing compliance costs will result in a cost savings to regulated entities.

Potential Fiscal Impact of Alternative 5. Ending grandfathering will bring in degreasers that existed prior to 1980. There are few degreasers that are expected to be affected by ending the grandfathering provision. Additionally, degreasers in the state are generally using compliant solvents since suppliers are distributing compliant solvents statewide. Therefore, there is expected to be minimal fiscal impact from eliminating grandfathering.

Potential Fiscal Impact of Alternative 6. There is expected to be minimal fiscal impact from repealing [326 IAC 8-3-5](#) and amending [326 IAC 8-3-2](#). Sources that were subject to [326 IAC 8-3-5](#) would be subject to [326 IAC 8-3-2](#) with the addition of an operation control requirement if the degreaser uses a solvent spray. This is expected to affect very few degreasing operations.

Potential Fiscal Impact of Alternative 7. There will be no fiscal impact from clarifying and streamlining the

organic solvent degreasing operations rule.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/compliance/ctap/index.html

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Stacey Pfeffer
IDEM Compliance and Technical Assistance Program
OPPTA - MC60-04
100 North Senate Avenue
W-041
Indianapolis, IN 46204-2251
(317) 232-8172
ctap@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Megan Tretter
IDEM Small Business Assistance Program Ombudsman
MC 50-01 - IGCN 1307
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-3386
mtretter@idem.in.gov

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Amy Smith, Rules Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-8-4](#) requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#07-352(APCB) Degreasers
Amy Smith Mail Code 61-50
c/o Administrative Assistant
Rules Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by May 2, 2008.

Additional information regarding this action may be obtained from Amy Smith, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

Scott Deloney, Chief
Air Programs Branch
Office of Air Quality

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